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*Attorneys for Defendants Diamondback Shooting Sports, Inc.,
Loan Prairie, LLC d/b/a The Hub, SNG Tactical, LLC and Sprague's Sports, Inc.*

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Estados Unidos Mexicanos,

Plaintiff,

vs.

Diamondback Shooting Sports, Inc., an
Arizona corporation; SNG Tactical, LLC,
an Arizona limited liability company;
Loan Prairie, LLC D/B/A The Hub, an
Arizona limited liability company; Ammo
A-Z, LLC, an Arizona limited liability
company; Sprague's Sports, Inc., an
Arizona corporation,

Defendants.

Case No: 4:22-cv-00472-TUC-RM

**SPRAGUE'S SPORTS, INC.'S ANSWER
AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S COMPLAINT**

JURY TRIAL DEMANDED

1 Defendant Sprague's Sport's Inc., ("Sprague's" or "Defendant") by and through its
2 attorneys, Renzulli Law Firm, LLP and Lorber, Greenfield & Olsen, LLP, respectfully submits
3 its First Amended Answer to Plaintiff's Complaint as follows:
4

5 I. INTRODUCTION

6 1. Sprague's denies the allegations in Paragraph 1 of the Complaint, except admits
7 that it is a Federal Firearms Licensee located in the State of Arizona. To the extent the
8 allegations in Paragraph 1 of the Complaint are directed to other defendants, Sprague's denies
9 knowledge or information sufficient to form a belief about the truth of such allegations, and
10 refers all questions of law to this Honorable Court.
11

12 2. Sprague's denies the allegations in Paragraph 2 of the Complaint. To the extent the
13 allegations in Paragraph 2 of the Complaint are directed to other defendants, Sprague's denies
14 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
15 denied.
16

17 3. Sprague's denies knowledge or information sufficient to form a belief about the truth
18 of the actions of the United States or persons unaffiliated with Sprague's in Paragraph 3 of the
19 Complaint, so same are denied, but Sprague's specifically denies any allegation in Paragraph 3 of
20 the Complaint that Sprague's had actual or constructive knowledge of any alleged illegally activity
21 taking place in its premises.
22

23 4. Sprague's states that the allegations in Paragraph 4 of the Complaint are directed to
24 other defendants, and as such, no response is required. To the extent that a response is required, it
25 denies knowledge or information sufficient to form a belief about the truth of the allegations in
26 Paragraph 4 of the Complaint, and refers all questions of law to this Honorable Court.
27
28

1 5. Sprague's denies the allegations in Paragraph 5 of the Complaint. To the extent the
2 allegations in Paragraph 5 of the Complaint are directed to other defendants, Sprague's denies
3 knowledge or information sufficient to form a belief about the truth of such allegations so same are
4 denied.
5

6 6. Sprague's denies the allegations in Paragraph 6 of the Complaint. To the extent the
7 allegations in Paragraph 6 of the Complaint are directed to other defendants, Sprague's denies
8 knowledge or information sufficient to form a belief about the truth of such allegations. To the
9 extent the allegations in Paragraph 6 of the Complaint relate to Plaintiff's purported motivation in
10 bringing this lawsuit, Sprague's denies knowledge or information sufficient to form a belief.
11 Defendant refers all questions of law to this Honorable Court.
12

13 7. Sprague's denies the allegations in Paragraph 7 of the Complaint and refers all
14 questions of law to this Honorable Court.
15

16 8. Sprague's states that the allegations in Paragraph 8 of the Complaint are not directed
17 to any defendant, and as such, no response is required. To the extent that a response is required, it
18 denies knowledge or information sufficient to form a belief about the truth of the allegations in
19 Paragraph 8 of the Complaint.
20

21 9. Sprague's denies the allegations in Paragraph 9 of the Complaint. To the extent the
22 allegations in Paragraph 9 of the Complaint are directed to other defendants, Sprague's denies
23 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
24 denied.
25

26 10. Sprague's denies the allegations in Paragraph 10 of the Complaint. To the extent the
27 allegations in Paragraph 10 of the Complaint are directed to other defendants, Sprague's denies
28

1 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
2 denied. To the extent the allegations in Paragraph 10 relate to information outside the knowledge of
3 any defendant, Sprague's denies knowledge or information sufficient to form a belief.
4

5 11. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50) and the choice of law
6 analysis contained therein, Mexican law does not apply. Notwithstanding, Sprague's denies the
7 allegations in Paragraph 11 of the Complaint to the extent they relate to purported violations of
8 U.S. federal and state statutes, and refers all questions of law to this Honorable Court. To the extent
9 the allegations in Paragraph 11 of the Complaint are directed to other defendants, Sprague's denies
10 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
11 denied.
12

13 12. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
14 claims (Counts Nine through Thirteen of the Complaint) and Arizona Consumer Fraud Act claim
15 (Count Seven of the Complaint) were dismissed, and as such, no response to such allegations or
16 claims is required. Notwithstanding, Sprague's denies the factual allegations in Paragraph 12 of the
17 Complaint, and refers all questions of law to this Honorable Court. To the extent the allegations in
18 Paragraph 12 of the Complaint are directed to other defendants, Sprague's denies knowledge or
19 information sufficient to form a belief about the truth of such allegations, so same are denied.
20

21 13. Paragraphs 13 of the Complaint solely outlines a request for relief, to which a
22 response is not required. To the extent that a response is required, Sprague's denies the allegations
23 in Paragraph 13 of the Complaint, notes that the U.S. Government already monitors defendants'
24 firearms sales practices through the Department of Justice's Bureau of Alcohol, Tobacco, Firearms
25 and Explosives ("ATF"), and refers all questions of law to this Honorable Court.
26
27
28

II. PARTIES

14. Sprague's admits that Plaintiff is a sovereign nation that shares a border with the United States. The remaining allegations in Paragraph 14 of the Complaint call for legal conclusions to which no response is required. To the extent that a response is required, Sprague's denies the allegations in Paragraph 14 of the Complaint, and refers all questions of law to this Honorable Court.

15. Sprague's states that the allegations in Paragraph 15 of the Complaint are directed to another defendant. To the extent that a response is required, it denies knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15 of the Complaint, and refers all questions of law to this Honorable Court.

16. Sprague's states that the allegations in Paragraph 16 of the Complaint are directed to another defendant. To the extent that a response is required, it denies knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 16 of the Complaint, and refers all questions of law to this Honorable Court.

17. Sprague's states that the allegations in Paragraph 17 of the Complaint are directed to another defendant. To the extent that a response is required, it denies knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 17 of the Complaint, and refers all questions of law to this Honorable Court.

18. Sprague's states that the allegations in Paragraph 18 of the Complaint are directed to another defendant. To the extent that a response is required, it denies knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 18 of the Complaint, and refers all questions of law to this Honorable Court.

20. Sprague's denies the allegations in Paragraph 20 of the Complaint. To the extent that the allegations in Paragraph 20 of the Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

21. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO claims (Counts Nine through Thirteen of the Complaint) were dismissed, and as such, such claims do not form the basis for subject matter jurisdiction. Sprague's admits that there is complete diversity between the Plaintiff and defendants, denies that Plaintiff's claims for damages have any value, and refers all questions of law to this Honorable Court as to whether diversity jurisdiction exists.

22. Sprague’s denies that any “events or omissions” committed by it give rise to any claim being brought by Plaintiff, but admits that based on the allegations in the Complaint, venue is proper in this District.

23. Sprague's denies the allegations in Paragraph 23 of the Complaint. To the extent that the allegations in Paragraph 23 of the Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

24. Sprague's denies the allegations in Paragraph 24 of the Complaint. To the extent that

1 the allegations in Paragraph 24 of the Complaint are directed to other defendants, Sprague's denies
2 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
3 denied.
4

5 25. Sprague's denies the allegations in Paragraph 25 of the Complaint To the extent that
6 the allegations in Paragraph 25 of the Complaint are directed to other defendants, Sprague's denies
7 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
8 denied.
9

10 26. Sprague's denies knowledge or information sufficient to form a belief about the truth
11 of the allegations in Paragraph 26 of the Complaint, so same are denied.

12 27. Sprague's denies knowledge or information sufficient to form a belief about the truth
13 of the allegations in Paragraph 27 of the Complaint, so same are denied.
14

15 28. Sprague's denies knowledge or information sufficient to form a belief about the truth
16 of the allegations in Paragraph 28 of the Complaint, so same are denied.

17 29. Sprague's denies knowledge or information sufficient to form a belief about the truth
18 of the allegations in Paragraph 29 of the Complaint, so same are denied.
19

20 30. The allegations in Paragraph 30 of the Complaint relate to Plaintiff's intentions
21 related to filing this lawsuit and the substance of its legal claims, to which no response is required
22 by this Defendant. To the extent that a response is required, Sprague's denies that it knowingly and
23 systematically participates in any scheme to traffic firearms into Mexico, and denies knowledge or
24 information to form a belief about the truth of the allegations in Paragraph 30 of the Complaint as
25 asserted against other defendants, so same are denied.
26

27 31. Sprague's denies knowledge or information sufficient to form a belief about the truth
28

1 of the allegations in Paragraph 31 of the Complaint regarding the number of federal firearms
2 licensees located in Arizona or the population of Arizona, so same are denied. Sprague's denies the
3 remaining allegations in Paragraph 31 of the Complaint.
4

5 32. Sprague's denies the allegations in Paragraph 32 of the Complaint. To the extent that
6 the allegations in Paragraph 32 of the Complaint are directed to other defendants, Sprague's denies
7 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
8 denied.
9

10 33. Sprague's denies knowledge or information sufficient to form a belief about the truth
11 of the allegations in Paragraph 33 of the Complaint, so same are denied.

12 34. Sprague's denies the allegations in Paragraph 34 of the Complaint. To the extent that
13 the allegations in Paragraph 34 of the Complaint are directed to other defendants, Sprague's denies
14 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
15 denied.
16

17 35. Sprague's denies the allegations in Paragraph 35 of the Complaint. To the extent that
18 the allegations in Paragraph 35 of the Complaint are directed to other defendants, Sprague's denies
19 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
20 denied.
21

22 36. Sprague's denies knowledge or information sufficient to form a belief about the truth
23 of the allegations in Paragraph 36 of the Complaint as to what a federal judge said or didn't say in
24 an opinion in 2003, but notes that Sprague's was not a party to the lawsuit referenced in Paragraph
25 36 of the Complaint and denies that decision has any relevance or effect on the claims in this case.
26

27 37. Sprague's denies knowledge or information sufficient to form a belief about the truth
28

1 of the allegations in Paragraph 37 of the Complaint, but denies that the number of traces connected
2 to a particular federal firearms licensee is evidence of any illegal, intentional or negligent conduct
3 by such licensee, as ATF has indicated on numerous occasions. Sprague's further denies
4 knowledge or information sufficient to form a belief about the truth as to what a federal judge said
5 or didn't say in an opinion in 2003, but notes that Sprague's was not a party to the lawsuit
6 referenced in Paragraph 37 of the Complaint and denies that decision has any relevance or effect on
7 the claims in this case.
8

9
10 38. Sprague's denies the allegations in Paragraph 38 of the Complaint. To the extent
11 that the allegations in Paragraph 38 of the Complaint are directed to other defendants, Sprague's
12 denies knowledge or information sufficient to form a belief about the truth of such allegations,
13 so same are denied.
14

15 39. Sprague's denies the allegations in Paragraph 39 of the Complaint. To the extent that
16 the allegations in Paragraph 39 of the Complaint are directed to other defendants, Sprague's denies
17 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
18 denied.
19

20 40. Sprague's denies the allegations in Paragraph 40 of the Complaint. To the extent that
21 the allegations in Paragraph 40 of the Complaint are directed to other defendants, Sprague's denies
22 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
23 denied.
24

25 41. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
26 apply to the action herein, and as such, no response to portions of Paragraph 41 of the Complaint is
27 required. Sprague's denies that it engages in any of the activities alleged in Paragraph 41 of the
28

1 Complaint, refers all questions of law to this Honorable Court, but admits that a licensed dealer
2 who knowingly transfers or sells a firearm to a person it knows is not the “actual transferee/buyer”
3 of the firearm, as that term is defined by the ATF, may be in violation of U.S. law.
4

5 42. Sprague’s denies the allegations in Paragraph 42 of the Complaint except admits that
6 pursuant to 18 U.S.C. § 923(g)(3)(A) and 27 C.F.R. § 478.126a, federally licensed dealers are
7 required to file a Report of Multiple Sale or Other Disposition of Pistols and Revolvers (ATF Form
8 3310.4) when two or more handguns are disposed of to a non-licensee within a five (5) business
9 day period, and this Report is sent to ATF and a designated local law enforcement agency.
10

11 43. Sprague’s denies knowledge or information sufficient to form a belief about the
12 truth of the allegations in Paragraph 43 of the Complaint except admits federally licensed dealers
13 located in Arizona, California, New Mexico and Texas are required to file a Report of Multiple
14 Sale or Other Disposition of Certain Rifles (ATF Form 3310.12) when two or more semiautomatic
15 rifles capable of accepting a detachable magazine and with a caliber greater than .22 are disposed
16 of within a five (5) business day period to an unlicensed person.
17

18 44. Sprague’s denies the allegations in Paragraph 44 of the Complaint. To the extent that
19 the allegations in Paragraph 44 of the Complaint refer to “buyers,” “traffickers,” and the “illegal
20 market in Mexico,” Sprague’s denies knowledge or information sufficient to form a belief about
21 the truth of such allegations, so same are denied.
22

23 45. Sprague’s denies the allegations in Paragraph 45 of the Complaint. To the extent that
24 the allegations in Paragraph 45 of the Complaint are directed to other defendants, Sprague’s denies
25 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
26 denied.
27
28

1 46. Sprague's denies the allegations in Paragraph 46 of the Complaint.

2 47. Sprague's denies knowledge or information sufficient to form a belief about the truth
3 of the allegations in Paragraph 47 of the Complaint as to what a federal judge said or didn't say in
4 an opinion in 2003, but notes that Sprague's was not a party to the lawsuit referenced in Paragraph
5 47 of the Complaint and denies that decision has any relevance or effect on the claims in this case.
6

7 48. Sprague's denies the allegations in Paragraph 48 of the Complaint. To the extent that
8 the allegations in Paragraph 48 of the Complaint are directed to other defendants, Sprague's denies
9 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
10 denied.
11

12 49. Sprague's denies the allegations in Paragraph 49 of the Complaint and refers all
13 questions of law to this Honorable Court.
14

15 50. Sprague's denies the allegations in Paragraph 50 of the Complaint. To the extent that
16 the allegations in Paragraph 50 of the Complaint are directed to other defendants, Sprague's denies
17 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
18 denied.
19

20 51. Sprague's denies the allegations in Paragraph 51 of the Complaint.

21 52. Sprague's denies the allegations in Paragraph 52 of the Complaint and refers all
22 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 52 of the
23 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
24 to form a belief about the truth of such allegations, so same are denied.
25

26 53. Sprague's denies the allegations in Paragraph 53 of the Complaint. To the extent that
27 the allegations in Paragraph 53 of the Complaint are directed to other defendants, Sprague's denies
28

1 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
2 denied.

3 V. EXAMPLES OF SPECIFIC SALES

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5 54. Sprague's denies the allegations in Paragraph 54 of the Complaint. To the extent that
6 the allegations in Paragraph 54 of the Complaint are directed to other defendants, Sprague's denies
7 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
8 denied.

9
10 55. Sprague's denies the allegations in Paragraph 55 of the Complaint. To the extent that
11 the allegations in Paragraph 55 of the Complaint are directed to other defendants, Sprague's denies
12 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
13 denied.

14
15 56. There are no allegations of fact contained in Paragraph 56 of the Complaint, but
16 Sprague's denies any implication or inference of wrongdoing contained in Paragraph 56 of the
17 Complaint.

18
19 57. Sprague's denies the allegations in Paragraph 57 of the Complaint and refers all
20 questions of law to this Honorable Court.

21
22 58. Sprague's denies the allegations in Paragraph 58 of the Complaint and refers all
23 questions of law to this Honorable Court.

24
25 59. Sprague's denies the allegations in Paragraph 59 of the Complaint and refers all
26 questions of law to this Honorable Court.

27
28 60. Sprague's denies the allegations in Paragraph 60 of the Complaint and refers all
questions of law to this Honorable Court.

1 61. Sprague's denies the allegations in Paragraph 61 of the Complaint and refers all
2 questions of law to this Honorable Court.

3 62. Sprague's denies the allegations in Paragraph 62 of the Complaint and refers all
4 questions of law to this Honorable Court.

5 63. Sprague's denies the allegations in Paragraph 63 of the Complaint and refers all
6 questions of law to this Honorable Court.

7 64. Sprague's denies the allegations in Paragraph 64 of the Complaint and refers all
8 questions of law to this Honorable Court.

9 65. Sprague's denies knowledge or information sufficient to form a belief about the truth
10 of the allegations in Paragraph 65 of the Complaint, as they are not directed to Sprague's, so same
11 are denied.

12 66. Sprague's denies knowledge or information sufficient to form a belief about the truth
13 of the allegations in Paragraph 66 of the Complaint, as they are not directed to Sprague's, so same
14 are denied.

15 67. Sprague's denies knowledge or information sufficient to form a belief about the truth
16 of the allegations in Paragraph 67 of the Complaint, as they are not directed to Sprague's, so same
17 are denied.

18 68. Sprague's denies knowledge or information sufficient to form a belief about the truth
19 of the allegations in Paragraph 68 of the Complaint, as they are not directed to Sprague's, so same
20 are denied.

21 69. Sprague's denies knowledge or information sufficient to form a belief about the truth
22 of the allegations in Paragraph 69 of the Complaint, as they are not directed to Sprague's, so same
23 are denied.

24 69. Sprague's denies knowledge or information sufficient to form a belief about the truth
25 of the allegations in Paragraph 69 of the Complaint, as they are not directed to Sprague's, so same
26 are denied.

1 are denied.

2 70. Sprague's denies knowledge or information sufficient to form a belief about the truth
3 of the allegations in Paragraph 70 of the Complaint, as they are not directed to Sprague's, so same
4 are denied.
5

6 71. Sprague's denies knowledge or information sufficient to form a belief about the truth
7 of the allegations in Paragraph 71 of the Complaint, as they are not directed to Sprague's, so same
8 are denied.
9

10 72. Sprague's denies knowledge or information sufficient to form a belief about the truth
11 of the allegations in Paragraph 72 of the Complaint, as they are not directed to Sprague's, so same
12 are denied.
13

14 73. Sprague's denies knowledge or information sufficient to form a belief about the truth
15 of the allegations in Paragraph 73 of the Complaint, as they are not directed to Sprague's, so same
16 are denied.
17

18 74. Sprague's denies knowledge or information sufficient to form a belief about the truth
19 of the allegations in Paragraph 74 of the Complaint, as they are not directed to Sprague's, so same
20 are denied.
21

22 75. Sprague's denies knowledge or information sufficient to form a belief about the truth
23 of the allegations in Paragraph 75 of the Complaint, as they are not directed to Sprague's, so same
24 are denied.
25

26 76. Sprague's denies knowledge or information sufficient to form a belief about the truth
27 of the allegations in Paragraph 76 of the Complaint, as they are not directed to Sprague's, so same
28 are denied.

1 77. Sprague's denies knowledge or information sufficient to form a belief about the truth
2 of the allegations in Paragraph 77 of the Complaint, as they are not directed to Sprague's, so same
3 are denied.

4
5 78. Sprague's denies knowledge or information sufficient to form a belief about the truth
6 of the allegations in Paragraph 78 of the Complaint, as they are not directed to Sprague's, so same
7 are denied.

8
9 79. Sprague's denies knowledge or information sufficient to form a belief about the truth
10 of the allegations in Paragraph 79 of the Complaint, as they are not directed to Sprague's, so same
11 are denied.

12 80. Sprague's denies knowledge or information sufficient to form a belief about the truth
13 of the allegations in Paragraph 80 of the Complaint, as they are not directed to Sprague's, so same
14 are denied.

15
16 81. Sprague's denies knowledge or information sufficient to form a belief about the truth
17 of the allegations in Paragraph 81 of the Complaint, as they are not directed to Sprague's, so same
18 are denied.

19
20 82. Sprague's denies knowledge or information sufficient to form a belief about the truth
21 of the allegations in Paragraph 82 of the Complaint, as they are not directed to Sprague's, so same
22 are denied.

23 83. Sprague's denies knowledge or information sufficient to form a belief about the truth
24 of the allegations in Paragraph 83 of the Complaint, as they are not directed to Sprague's, so same
25 are denied.

26
27 84. Sprague's denies knowledge or information sufficient to form a belief about the truth
28

1 of the allegations in Paragraph 84 of the Complaint, as they are not directed to Sprague's, so same
2 are denied.

3 85. Sprague's denies knowledge or information sufficient to form a belief about the truth
4 of the allegations in Paragraph 85 of the Complaint, as they are not directed to Sprague's, so same
5 are denied.
6

7 86. Sprague's denies knowledge or information sufficient to form a belief about the truth
8 of the allegations in Paragraph 86 of the Complaint, as they are not directed to Sprague's, so same
9 are denied.
10

11 87. Sprague's denies knowledge or information sufficient to form a belief about the truth
12 of the allegations in Paragraph 87 of the Complaint, as they are not directed to Sprague's, so same
13 are denied.
14

15 88. Sprague's denies knowledge or information sufficient to form a belief about the truth
16 of the allegations in Paragraph 88 of the Complaint, as they are not directed to Sprague's, so same
17 are denied.
18

19 89. Sprague's denies knowledge or information sufficient to form a belief about the truth
20 of the allegations in Paragraph 89 of the Complaint, as they are not directed to Sprague's, so same
21 are denied.
22

23 90. Sprague's denies knowledge or information sufficient to form a belief about the truth
24 of the allegations in Paragraph 90 of the Complaint, as they are not directed to Sprague's, so same
25 are denied.
26

27 91. Sprague's denies knowledge or information sufficient to form a belief about the truth
28 of the allegations in Paragraph 91 of the Complaint, as they are not directed to Sprague's, so same

1 are denied.

2 92. Sprague's denies knowledge or information sufficient to form a belief about the truth
3 of the allegations in Paragraph 92 of the Complaint, as they are not directed to Sprague's, so same
4 are denied.
5

6 93. Sprague's denies knowledge or information sufficient to form a belief about the truth
7 of the allegations in Paragraph 93 of the Complaint, as they are not directed to Sprague's, so same
8 are denied.
9

10 94. Sprague's denies knowledge or information sufficient to form a belief about the truth
11 of the allegations in Paragraph 94 of the Complaint, as they are not directed to Sprague's, so same
12 are denied.
13

14 95. Sprague's denies knowledge or information sufficient to form a belief about the truth
15 of the allegations in Paragraph 95 of the Complaint, as they are not directed to Sprague's, so same
16 are denied.
17

18 96. Sprague's denies knowledge or information sufficient to form a belief about the truth
19 of the allegations in Paragraph 96 of the Complaint, as they are not directed to Sprague's, so same
20 are denied.
21

22 97. Sprague's denies knowledge or information sufficient to form a belief about the truth
23 of the allegations in Paragraph 97 of the Complaint, as they are not directed to Sprague's, so same
24 are denied.
25

26 98. Sprague's denies knowledge or information sufficient to form a belief about the truth
27 of the allegations in Paragraph 98 of the Complaint, as they are not directed to Sprague's, so same
28 are denied.

1 99. Sprague's denies knowledge or information sufficient to form a belief about the truth
2 of the allegations in Paragraph 99 of the Complaint, as they are not directed to Sprague's, so same
3 are denied.

4
5 100. Sprague's denies knowledge or information sufficient to form a belief about the truth
6 of the allegations in Paragraph 100 of the Complaint, as they are not directed to Sprague's, so same
7 are denied.

8
9 101. Sprague's denies knowledge or information sufficient to form a belief about the truth
10 of the allegations in Paragraph 101 of the Complaint, as they are not directed to Sprague's, so same
11 are denied.

12 102. Sprague's denies knowledge or information sufficient to form a belief about the truth
13 of the allegations in Paragraph 102 of the Complaint, as they are not directed to Sprague's, so same
14 are denied.

15
16 103. Sprague's denies knowledge or information sufficient to form a belief about the truth
17 of the allegations in Paragraph 103 of the Complaint, as they are not directed to Sprague's, so same
18 are denied.

19
20 104. Sprague's denies knowledge or information sufficient to form a belief about the truth
21 of the allegations in Paragraph 104 of the Complaint, as they are not directed to Sprague's, so same
22 are denied.

23 105. Sprague's denies knowledge or information sufficient to form a belief about the truth
24 of the allegations in Paragraph 105 of the Complaint, as they are not directed to Sprague's, so same
25 are denied.

26
27 106. Sprague's denies the allegations in Paragraph 106 of the Complaint and refers all
28

1 questions of law to this Honorable Court.

2 107. Sprague's denies knowledge or information sufficient to form a belief about the truth
3 of the allegations in Paragraph 107 of the Complaint, so same are denied.
4

5 108. Sprague's denies the allegations in Paragraph 108 of the Complaint and refers all
6 questions of law to this Honorable Court.

7 109. Sprague's denies knowledge or information sufficient to form a belief about the truth
8 of the allegations in Paragraph 109 of the Complaint, as they are not directed to Sprague's, so same
9 are denied.
10

11 110. Sprague's denies knowledge or information sufficient to form a belief about the truth
12 of the allegations in Paragraph 110 of the Complaint, as they are not directed to Sprague's, so same
13 are denied.
14

15 111. Sprague's denies knowledge or information sufficient to form a belief about the truth
16 of the allegations in Paragraph 111 of the Complaint, as they are not directed to Sprague's, so same
17 are denied.
18

19 112. Sprague's denies knowledge or information sufficient to form a belief about the truth
20 of the allegations in Paragraph 112 of the Complaint, as they are not directed to Sprague's, so same
21 are denied.
22

23 113. Sprague's denies knowledge or information sufficient to form a belief about the truth
24 of the allegations in Paragraph 113 of the Complaint, as they are not directed to Sprague's, so same
25 are denied.

26 114. Sprague's denies knowledge or information sufficient to form a belief about the truth
27 of the allegations in Paragraph 114 of the Complaint, as they are not directed to Sprague's, so same
28

1 are denied.

2 115. Sprague's denies knowledge or information sufficient to form a belief about the truth
3 of the allegations in Paragraph 115 of the Complaint, as they are not directed to Sprague's, so same
4 are denied.
5

6 116. Sprague's denies knowledge or information sufficient to form a belief about the truth
7 of the allegations in Paragraph 116 of the Complaint, as they are not directed to Sprague's, so same
8 are denied.
9

10 117. Sprague's denies the allegations in Paragraph 117 of the Complaint and refers all
11 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 117 of the
12 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
13 to form a belief about the truth of such allegations, so same are denied.
14

15 VI. DATA

16 118. Sprague's denies the allegations in Paragraph 118 of the Complaint. To the extent
17 that the allegations in Paragraph 118 of the Complaint are directed to other defendants, Sprague's
18 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
19 same are denied.
20

21 119. Sprague's denies the allegations in Paragraph 119 of the Complaint. To the extent
22 that the allegations in Paragraph 119 of the Complaint are directed to other defendants, Sprague's
23 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
24 same are denied.
25

26 120. Sprague's denies the allegations in Paragraph 120 of the Complaint. To the extent
27 that the allegations in Paragraph 120 of the Complaint are directed to other defendants, Sprague's
28

1 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
2 same are denied.

3
4 121. Sprague's denies the allegations in Paragraph 121 of the Complaint and refers all
5 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 121 of the
6 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
7 to form a belief about the truth of such allegations.

8
9 122. Sprague's denies the allegations in Paragraph 122 of the Complaint. To the extent
10 that the allegations in Paragraph 122 of the Complaint are directed to other defendants, Sprague's
11 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
12 same are denied.

13
14 123. Sprague's denies the allegations in Paragraph 123 of the Complaint. To the extent
15 that the allegations in Paragraph 123 of the Complaint are directed to other defendants and non-
16 parties, Sprague's denies knowledge or information sufficient to form a belief about the truth of
17 such allegations, so same are denied.

18 124. Sprague's denies the allegations in Paragraph 124 of the Complaint.

19 20 **VII. DEFENDANTS' LEGAL DUTIES**

21 125. Sprague's denies the allegations in Paragraph 125 of the Complaint and refers all
22 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 125 of the
23 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
24 to form a belief about the truth of such allegations, so same are denied.

25
26 126. Sprague's denies the allegations in Paragraph 126 of the Complaint and refers all
27 questions of law to this Honorable Court.
28

1 127. Sprague's denies the allegations in Paragraph 127 of the Complaint and refers all
2 questions of law to his Honorable Court. To the extent that the allegations in Paragraph 127 of the
3 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
4 to form a belief about the truth of such allegations, so same are denied.
5

6 128. Sprague's denies the allegations in Paragraph 128 of the Complaint. To the extent
7 that the allegations in Paragraph 128 of the Complaint are directed to other defendants, Sprague's
8 denies knowledge or information to form a belief about the truth of such allegations, so same are
9 denied.
10

11 129. Sprague's denies the allegations in Paragraph 129 of the Complaint and refers all
12 questions of law to this Honorable Court.
13

14 130. Sprague's denies the allegations in Paragraph 130 of the Complaint and refers all
15 questions of law to this Honorable Court.
16

17 131. Sprague's denies the allegations in Paragraph 131 of the Complaint and refers all
18 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 131 of the
19 Complaint are directed to other defendants, Sprague's denies knowledge or information to form a
20 belief about the truth of such allegations, so same are denied.
21

22 132. The paragraph designated as "132" of the Complaint includes solely legal
23 conclusions, and as such, no response is necessary. However, in the event the Court determines
24 that an answer is required, Sprague's states that the referenced statutes and regulation speak for
25 themselves, and refers all questions of law to this Honorable Court.
26

27 133. The paragraph designated as "133" of the Complaint includes solely legal
28 conclusions, and as such, no response is necessary. However, in the event the Court determines

1 that an answer is required, Sprague's states that the referenced statutes speak for themselves, and
2 refers all questions of law to this Honorable Court.

3
4 134. The paragraph designated as "134" of the Complaint includes solely legal
5 conclusions, and as such, no response is necessary. However, in the event the Court determines
6 that an answer is required, Sprague's states that the referenced statute speaks for itself, Sprague's
7 lacks knowledge or information sufficient to form a belief as to why such laws were enacted, and
8 refers all questions of law to this Honorable Court.

9
10 135. Portions of the paragraph designated as "135" of the Complaint include solely legal
11 conclusions, and as such, no response to same is necessary. Sprague's states that the referenced
12 statutes and regulations speak for themselves, Sprague's lacks knowledge or information sufficient
13 to form a belief as to why such laws were enacted, and refers all questions of law to this Honorable
14 Court. However, Sprague's admits that the "Bureau of Alcohol, Tobacco, Firearms and Explosives
15 has partnered with the National Shooting Sports Foundation . . . in designing an educational
16 program to assist firearm retailers in the detection and possible deterrence of 'straw purchasers' . .
17 ."
18

19
20 136. Sprague's denies that the National Shooting Sports Foundation sets "standards"
21 through its "Don't Lie for the Other Guy" campaign. Sprague's further states that the literature
22 associated with that educational campaign speaks for itself, and denies any remaining allegations in
23 Paragraph 136 of the Complaint.

24
25 137. Sprague's denies the allegations in Paragraph 137 of the Complaint, except admits
26 that in most circumstances, before transferring a firearm to any person who is not a licensed dealer,
27 among other requirements, a licensed dealer may have to conduct a background check, examine the
28

1 prospective buyer/transferee's identification, and record the transaction on a firearm transaction
2 record, also known as an ATF Form 4473.

3
4 138. Sprague's denies the allegations in Paragraph 138 of the Complaint, except admits
5 that in most circumstances, before transferring a firearm to any person who is not a licensed dealer,
6 among other requirements, a buyer must fill out an ATF Form 4473, which currently contains
7 question 21(a), which states the following: "Are you the actual transferee/buyer of all of the
8 firearm(s) listed on this form and any continuation sheet(s) (ATF Form 5300.9A)? **Warning: You**
9 **are not the actual transferee/buyer if you are acquiring any of the firearm(s) on behalf of**
10 **another person. If you are not the actual transferee/buyer, the licensee cannot transfer any**
11 **of the firearm(s) to you.** Exception: If you are only picking up a repaired firearm(s) for another
12 person, you are not required to answer 21.a. and may proceed to question 21.b."

13
14
15 139. The paragraph designated as "139" of the Complaint includes solely legal
16 conclusions, and as such, no response is necessary. However, in the event the Court determines
17 that an answer is required, Sprague's states that the referenced statutes and regulations speak for
18 themselves, Sprague's lacks knowledge or information sufficient to form a belief as to why such
19 laws were enacted, and refers all questions of law to this Honorable Court.

20
21 140. The paragraph designated as "140" of the Complaint includes solely legal
22 conclusions, and as such, no response is necessary. However, in the event the Court determines
23 that an answer is required, Sprague's states that the referenced statutes and regulations speak for
24 themselves, and refers all questions of law to this Honorable Court.

25
26 141. Sprague's states that the ATF Form 4473 speaks for itself, denies any remaining
27 allegations in Paragraph 141 of the Complaint, and refers all questions of law to his Honorable
28

1 Court.

2 142. The paragraph designated as “142” of the Complaint includes solely legal
3 conclusions, and as such, no response is necessary. However, in the event the Court determines
4 that an answer is required, Sprague’s states that the referenced statutes and regulations speak for
5 themselves, and refers all questions of law to this Honorable Court.
6

7 143. The paragraph designated as “143” of the Complaint includes solely legal
8 conclusions, and as such, no response is necessary. However, in the event the Court determines
9 that an answer is required, Sprague’s states that the referenced statutes speak for themselves, and
10 refers all questions of law to this Honorable Court.
11

12 144. The paragraph designated as “144” of the Complaint includes solely legal
13 conclusions, and as such, no response is necessary. However, in the event the Court determines
14 that an answer is required, Sprague’s states that the referenced statutes and regulations speak for
15 themselves, and refers all questions of law to this Honorable Court.
16

17 145. The paragraph designated as “145” of the Complaint includes solely legal
18 conclusions, and as such, no response is necessary. However, in the event the Court determines
19 that an answer is required, Sprague’s states that the referenced statutes and regulations speak for
20 themselves, and refers all questions of law to this Honorable Court.
21

22 146. Sprague’s denies the allegations in Paragraph 146 of the Complaint and refers all
23 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 146 of the
24 Complaint are directed to other defendants, Sprague’s denies knowledge or information sufficient
25 to form a belief about the truth of such allegations, so same are denied.
26

27 147. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Mexican law does not
28

1 apply to the action herein. To the extent that a response is required, Sprague's denies knowledge or
2 information sufficient to form a belief about the truth of the allegations in Paragraph 147 of the
3 Complaint.

4
5 148. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
6 apply to the action herein. To the extent that a response is required, Sprague's denies knowledge or
7 information sufficient to form a belief about the truth of the allegations in Paragraph 148 of the
8 Complaint.

9
10 149. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
11 apply to the action herein. To the extent that a response is required, Sprague's denies knowledge or
12 information sufficient to form a belief about the truth of the allegations in Paragraph 149 of the
13 Complaint.

14
15 150. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
16 apply to the action herein. To the extent that a response is required, Sprague's denies knowledge or
17 information sufficient to form a belief about the truth of the allegations in Paragraph 150 of the
18 Complaint, and refers all questions of law to this Honorable Court.

19
20 151. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
21 apply to the action herein. To the extent that a response is required, Sprague's denies knowledge or
22 information sufficient to form a belief about the truth of the allegations in Paragraph 151 of the
23 Complaint.

24
25 152. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
26 apply to the action herein. To the extent that a response is required, Sprague's denies knowledge or
27 information sufficient to form a belief about the truth of the allegations in Paragraph 152 of the
28

1 Complaint.

2 153. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
3 apply to the action herein. To the extent that a response is required, Sprague's denies knowledge or
4 information sufficient to form a belief about the truth of the allegations in Paragraph 153 of the
5 Complaint.
6

7 154. The paragraph designated as "154" of the Complaint includes solely legal
8 conclusions, and as such, no response is necessary. However, in the event the Court determines
9 that an answer is required, Sprague's states that the referenced statutes and regulations speak for
10 themselves, and refers all questions of law to this Honorable Court.
11

12 155. The paragraph designated as "155" of the Complaint includes solely legal
13 conclusions, and as such, no response is necessary. However, in the event the Court determines
14 that an answer is required, Sprague's states that the referenced statutes and regulations speak for
15 themselves, and refers all questions of law to this Honorable Court.
16

17 156. The paragraph designated as "156" of the Complaint includes solely legal
18 conclusions, and as such, no response is necessary. However, in the event the Court determines
19 that an answer is required, Sprague's states that the referenced statutes and regulations speak for
20 themselves, and refers all questions of law to this Honorable Court.
21

22 157. The paragraph designated as "157" of the Complaint includes solely legal
23 conclusions, and as such, no response is necessary. However, in the event the Court determines
24 that an answer is required, Sprague's states that the referenced statutes and regulations speak for
25 themselves, and refers all questions of law to this Honorable Court.
26

27 158. The paragraph designated as "158" of the Complaint includes solely legal
28

1 conclusions, and as such, no response is necessary. However, in the event the Court determines
2 that an answer is required, Sprague's states that the referenced statutes and regulations speak for
3 themselves, and refers all questions of law to this Honorable Court.
4

5 159. The paragraph designated as "159" of the Complaint includes solely legal
6 conclusions, and as such, no response is necessary. However, in the event the Court determines
7 that an answer is required, Sprague's states that the referenced statutes and regulations speak for
8 themselves, and refers all questions of law to this Honorable Court.
9

10 160. The paragraph designated as "160" of the Complaint includes legal conclusions, and
11 as such, no response is necessary. However, in the event the Court determines that an answer is
12 required, Sprague's states that the referenced statutes and regulations speak for themselves, refers
13 all questions of law to this Honorable Court, and admits that murder, drug dealing, extortion, and
14 other criminal acts committed by Cartels in Mexico would constitute a felony if such acts occurred
15 in the United States.
16

17 161. Sprague's denies the allegations in Paragraph 161 of the Complaint and refers all
18 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 161 of the
19 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
20 to form a belief about the truth of such allegations, so same are denied.
21

22 162. Sprague's denies the allegations in Paragraph 162 of the Complaint and refers all
23 questions of law to this Honorable Court.
24

25 163. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
26 apply to the action herein. To the extent that a response is required, Sprague's denies the
27 allegations in Paragraph 163 of the Complaint and refers all questions of law to this Honorable
28

1 Court.

2 164. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
3 apply to the action herein. To the extent that a response is required, Sprague's denies the
4 allegations in Paragraph 164 of the Complaint and refers all questions of law to this Honorable
5 Court.
6

7 165. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
8 apply to the action herein. To the extent that a response is required, Sprague's denies the
9 allegations in Paragraph 165 of the Complaint and refers all questions of law to this Honorable
10 Court.
11

12 166. Sprague's denies the allegations in Paragraph 166 of the Complaint and refers all
13 questions of law to this Honorable Court.
14

15 167. Sprague's denies the allegations in Paragraph 167 of the Complaint and refers all
16 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 167 of the
17 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
18 to form a belief about the truth of such allegations, so same are denied.
19

20 168. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
21 apply to the action herein. Notwithstanding, Sprague's denies the allegations in Paragraph 168 of
22 the Complaint and refers all questions of law to this Honorable Court.
23

24 169. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
25 apply to the action herein. Notwithstanding, Sprague's denies the allegations in Paragraph 169 of
26 the Complaint and refers all questions of law to this Honorable Court. To the extent that the
27 allegations in Paragraph 169 of the Complaint are directed to other defendants, Sprague's denies
28

1 knowledge or information sufficient to form a belief about the truth of such allegations, so same are
2 denied.

3
4 170. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
5 apply to the action herein. Notwithstanding, Sprague's denies the allegations in Paragraph 170 of
6 the Complaint and refers all questions of law to this Honorable Court.

7
8 171. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Mexican law does not
9 apply to the action herein. Notwithstanding, Sprague's denies the allegations in Paragraph 171 of
10 the Complaint and refers all questions of law to this Honorable Court.

11
12 172. Sprague's denies the allegations in Paragraph 172 of the Complaint and refers all
13 questions of law to this Honorable Court.

14
15 173. Sprague's denies the allegations in Paragraph 173 of the Complaint and refers all
16 questions of law to this Honorable Court.

17
18 174. Sprague's denies the allegations in Paragraph 174 of the Complaint and refers all
19 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 174 of the
20 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
21 to form a belief about the truth of such allegations, so same are denied.

22
23 175. Sprague's denies the allegations in Paragraph 175 of the Complaint and refers all
24 questions of law to this Honorable Court.

25
26 176. Sprague's denies the allegations in Paragraph 176 of the Complaint and refers all
27 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 176 of the
28 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
to form a belief about the truth of such allegations, so same are denied.

1 177. Sprague's denies the allegation as to what these defendants can "justly complain" of
2 in terms of the Mexico's unwillingness, inability and ineptitude in controlling, preventing and
3 stemming criminal activity within its borders, but denies information or knowledge sufficient to
4 form a belief as to specific programs conducted by law enforcement as set forth in Paragraph 177
5 of the Complaint.
6

7 178. Sprague's denies the allegations in Paragraph 178 of the Complaint.
8

9 **VIII. DEFENDANTS' ALLEGED RICO VIOLATIONS**

10 179. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
11 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
12 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
13 Sprague's denies any factual allegations in Paragraph 179 of the Complaint directed against it,
14 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
15 179 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
16 sufficient to form a belief about the truth of such allegations, so same are denied.
17

18 180. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
19 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
20 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
21 Sprague's denies any factual allegations in Paragraph 180 of the Complaint directed against it,
22 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
23 180 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
24 sufficient to form a belief about the truth of such allegations, so same are denied.
25

26 181. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
27
28

1 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
2 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
3 Sprague's denies any factual allegations in Paragraph 181 of the Complaint directed against it,
4 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
5 181 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
6 sufficient to form a belief about the truth of such allegations, so same are denied.
7

8
9 182. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
10 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
11 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
12 Sprague's denies any factual allegations in Paragraph 182 of the Complaint directed against it,
13 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
14 182 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
15 sufficient to form a belief about the truth of such allegations, so same are denied.
16

17 183. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
18 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
19 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
20 Sprague's denies any factual allegations in Paragraph 183 of the Complaint directed against it,
21 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
22 183 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
23 sufficient to form a belief about the truth of such allegations, so same are denied.
24
25

26 184. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
27 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
28

1 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
2 Sprague's denies any factual allegations in Paragraph 184 of the Complaint directed against it,
3 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
4 184 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
5 sufficient to form a belief about the truth of such allegations, so same are denied.
6

7 185. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
8 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
9 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
10 Sprague's denies any factual allegations in Paragraph 185 of the Complaint directed against it,
11 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
12 185 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
13 sufficient to form a belief about the truth of such allegations, so same are denied.
14
15

16 186. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
17 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
18 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
19 Sprague's denies any factual allegations in Paragraph 186 of the Complaint directed against it,
20 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
21 186 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
22 sufficient to form a belief about the truth of such allegations, so same are denied.
23
24

25 187. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
26 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
27 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
28

1 Sprague's denies any factual allegations in Paragraph 187 of the Complaint directed against it,
2 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
3 187 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
4 sufficient to form a belief about the truth of such allegations, so same are denied.
5

6 188. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
7 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
8 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
9 Sprague's denies any factual allegations in Paragraph 188 of the Complaint directed against it,
10 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
11 188 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
12 sufficient to form a belief about the truth of such allegations, so same are denied.
13
14

15 189. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
16 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
17 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
18 Sprague's denies any factual allegations in Paragraph 189 of the Complaint directed against it,
19 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
20 189 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
21 sufficient to form a belief about the truth of such allegations, so same are denied.
22
23

24 190. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
25 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
26 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
27 Sprague's denies any factual allegations in Paragraph 190 of the Complaint directed against it,
28

1 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
2 190 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
3 sufficient to form a belief about the truth of such allegations, so same are denied.
4

5 191. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
6 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
7 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
8 Sprague's denies any factual allegations in Paragraph 191 of the Complaint directed against it,
9 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
10 191 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
11 sufficient to form a belief about the truth of such allegations, so same are denied.
12

13 192. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
14 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
15 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
16 Sprague's denies any factual allegations in Paragraph 192 of the Complaint directed against it,
17 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
18 192 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
19 sufficient to form a belief about the truth of such allegations, so same are denied.
20

21 193. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
22 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
23 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
24 Sprague's denies any factual allegations in Paragraph 193 of the Complaint directed against it,
25 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
26
27
28

1 193 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
2 sufficient to form a belief about the truth of such allegations, so same are denied.

3
4 194. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
5 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
6 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
7 Sprague's denies any factual allegations in Paragraph 194 of the Complaint directed against it,
8 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
9 194 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
10 sufficient to form a belief about the truth of such allegations, so same are denied.

11
12 195. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
13 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
14 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
15 Sprague's denies any factual allegations in Paragraph 195 of the Complaint directed against it,
16 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
17 195 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
18 sufficient to form a belief about the truth of such allegations, so same are denied.

19
20
21 196. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
22 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
23 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
24 Sprague's denies any factual allegations in Paragraph 196 of the Complaint directed against it,
25 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
26 196 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
27
28

1 sufficient to form a belief about the truth of such allegations, so same are denied.

2 197. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
3 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
4 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
5 Sprague's denies any factual allegations in Paragraph 197 of the Complaint directed against it,
6 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
7 197 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
8 sufficient to form a belief about the truth of such allegations, so same are denied.
9

10 198. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
11 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
12 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
13 Sprague's denies any factual allegations in Paragraph 198 of the Complaint directed against it,
14 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
15 198 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
16 sufficient to form a belief about the truth of such allegations, so same are denied.
17

18 199. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
19 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
20 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
21 Sprague's denies any factual allegations in Paragraph 199 of the Complaint directed against it,
22 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
23 199 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
24 sufficient to form a belief about the truth of such allegations, so same are denied.
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1 200. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
2 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
3 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
4 Sprague's denies any factual allegations in Paragraph 200 of the Complaint directed against it,
5 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
6 200 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
7 sufficient to form a belief about the truth of such allegations, so same are denied.
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10 201. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
11 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
12 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
13 Sprague's denies any factual allegations in Paragraph 201 of the Complaint directed against it,
14 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
15 201 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
16 sufficient to form a belief about the truth of such allegations, so same are denied.
17

18 202. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
19 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
20 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
21 Sprague's denies any factual allegations in Paragraph 202 of the Complaint directed against it,
22 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
23 202 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
24 sufficient to form a belief about the truth of such allegations, so same are denied.
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27 203. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
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1 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
2 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
3 Sprague's denies any factual allegations in Paragraph 203 of the Complaint directed against it,
4 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
5 203 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
6 sufficient to form a belief about the truth of such allegations, so same are denied.
7

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9 204. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
10 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
11 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
12 Sprague's denies any factual allegations in Paragraph 204 of the Complaint directed against it,
13 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
14 204 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
15 sufficient to form a belief about the truth of such allegations, so same are denied.
16

17 205. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
18 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
19 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
20 Sprague's denies any factual allegations in Paragraph 205 of the Complaint directed against it,
21 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
22 205 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
23 sufficient to form a belief about the truth of such allegations, so same are denied.
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26 206. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
27 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
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1 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
2 Sprague's denies any factual allegations in Paragraph 206 of the Complaint directed against it,
3 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
4 206 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
5 sufficient to form a belief about the truth of such allegations, so same are denied.
6

7 207. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
8 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
9 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
10 Sprague's denies any factual allegations in Paragraph 207 of the Complaint directed against it,
11 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
12 207 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
13 sufficient to form a belief about the truth of such allegations, so same are denied.
14
15

16 208. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
17 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
18 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
19 Sprague's denies any factual allegations in Paragraph 208 of the Complaint directed against it,
20 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
21 208 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
22 sufficient to form a belief about the truth of such allegations, so same are denied.
23
24

25 209. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
26 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
27 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
28

1 Sprague's denies any factual allegations in Paragraph 209 of the Complaint directed against it,
2 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
3 209 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
4 sufficient to form a belief about the truth of such allegations, so same are denied.
5

6 210. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
7 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
8 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
9 Sprague's denies any factual allegations in Paragraph 210 of the Complaint directed against it,
10 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
11 210 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
12 sufficient to form a belief about the truth of such allegations, so same are denied.
13
14

15 211. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
16 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
17 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
18 Sprague's denies any factual allegations in Paragraph 211 of the Complaint directed against it,
19 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
20 211 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
21 sufficient to form a belief about the truth of such allegations, so same are denied.
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23

24 212. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
25 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
26 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
27 Sprague's denies any factual allegations in Paragraph 212 of the Complaint directed against it,
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1 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
2 212 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
3 sufficient to form a belief about the truth of such allegations, so same are denied.
4

5 213. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
6 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
7 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
8 Sprague's denies any factual allegations in Paragraph 213 of the Complaint directed against it,
9 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
10 213 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
11 sufficient to form a belief about the truth of such allegations, so same are denied.
12

13 214. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
14 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
15 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
16 Sprague's denies any factual allegations in Paragraph 214 of the Complaint directed against it,
17 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
18 214 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
19 sufficient to form a belief about the truth of such allegations, so same are denied.
20

21 215. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
22 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
23 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
24 Sprague's denies any factual allegations in Paragraph 215 of the Complaint directed against it,
25 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
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1 215 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
2 sufficient to form a belief about the truth of such allegations, so same are denied.

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4 216. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
5 claims (Counts Nine through Thirteen of the Complaint) were dismissed. As such, no response to
6 the allegations related to or in support of Plaintiff's RICO claims are required. Notwithstanding,
7 Sprague's denies any factual allegations in Paragraph 216 of the Complaint directed against it,
8 refers all questions of law to this Honorable Court, and to the extent any allegations in Paragraph
9 216 of the Complaint are directed to other defendants, Sprague's denies knowledge or information
10 sufficient to form a belief about the truth of such allegations, so same are denied.

11
12 **IX. DEFENDANTS' ALLEGED CONSUMER FRAUD STATUTE VIOLATIONS**

13
14 217. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
15 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
16 response to the allegations related to or in support of Plaintiff's CFA claims are required.
17 Notwithstanding, Sprague's denies the allegations in Paragraph 217 of the Complaint, refers all
18 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 217 of
19 the Complaint are directed to other defendants, Sprague's denies knowledge or information
20 sufficient to form a belief about the truth of such allegations, so same are denied.

21
22 218. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
23 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
24 response to the allegations related to or in support of Plaintiff's CFA claims are required.
25 Notwithstanding, Sprague's denies the allegations in Paragraph 218 of the Complaint, refers all
26 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 218 of
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1 the Complaint are directed to other defendants, Sprague's denies knowledge or information
2 sufficient to form a belief about the truth of such allegations, so same are denied.

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4 219. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
5 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
6 response to the allegations related to or in support of Plaintiff's CFA claims are required.
7 Notwithstanding, Sprague's denies the allegations in Paragraph 219 of the Complaint, refers all
8 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 219 of
9 the Complaint are directed to other defendants, Sprague's denies knowledge or information
10 sufficient to form a belief about the truth of such allegations, so same are denied.

11
12 220. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
13 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
14 response to the allegations related to or in support of Plaintiff's CFA claims are required.
15 Notwithstanding, Sprague's denies the allegations in Paragraph 220 of the Complaint, refers all
16 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 220 of
17 the Complaint are directed to other defendants, Sprague's denies knowledge or information
18 sufficient to form a belief about the truth of such allegations, so same are denied.

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21 221. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
22 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
23 response to the allegations related to or in support of Plaintiff's CFA claims are required.
24 Notwithstanding, Sprague's denies the allegations in Paragraph 221 of the Complaint, refers all
25 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 221 of
26 the Complaint are directed to other defendants, Sprague's denies knowledge or information
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1 sufficient to form a belief about the truth of such allegations, so same are denied.

2 222. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
3 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
4 response to the allegations related to or in support of Plaintiff's CFA claims are required.
5 Notwithstanding, Sprague's denies the allegations in Paragraph 222 of the Complaint, refers all
6 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 222 of
7 the Complaint are directed to other defendants, Sprague's denies knowledge or information
8 sufficient to form a belief about the truth of such allegations, so same are denied.
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10 223. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
11 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
12 response to the allegations related to or in support of Plaintiff's CFA claims are required.
13 Notwithstanding, Sprague's denies the allegations in Paragraph 223 of the Complaint, refers all
14 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 223 of
15 the Complaint are directed to other defendants, Sprague's denies knowledge or information
16 sufficient to form a belief about the truth of such allegations, so same are denied.
17

18 224. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
19 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
20 response to the allegations related to or in support of Plaintiff's CFA claims are required.
21 Notwithstanding, Sprague's denies the allegations in Paragraph 224 of the Complaint, refers all
22 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 224 of
23 the Complaint are directed to other defendants, Sprague's denies knowledge or information
24 sufficient to form a belief about the truth of such allegations, so same are denied.
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1 225. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
2 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
3 response to the allegations related to or in support of Plaintiff's CFA claims are required.
4 Notwithstanding, Sprague's denies the allegations in Paragraph 225 of the Complaint, refers all
5 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 225 of
6 the Complaint are directed to other defendants, Sprague's denies knowledge or information
7 sufficient to form a belief about the truth of such allegations, so same are denied.
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10 226. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
11 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
12 response to the allegations related to or in support of Plaintiff's CFA claims are required.
13 Notwithstanding, Sprague's denies the allegations in Paragraph 226 of the Complaint, refers all
14 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 226 of
15 the Complaint are directed to other defendants, Sprague's denies knowledge or information
16 sufficient to form a belief about the truth of such allegations, so same are denied.
17

18 227. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
19 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
20 response to the allegations related to or in support of Plaintiff's CFA claims are required.
21 Notwithstanding, Sprague's denies the allegations in Paragraph 227 of the Complaint, refers all
22 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 227 of
23 the Complaint are directed to other defendants, Sprague's denies knowledge or information
24 sufficient to form a belief about the truth of such allegations, so same are denied.
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26 228. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
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1 Consumer Fraud Act (“CFA”) claim (Count Seven of the Complaint) was dismissed. As such, no
2 response to the allegations related to or in support of Plaintiff’s CFA claims are required.
3 Notwithstanding, Sprague’s denies the allegations in Paragraph 228 of the Complaint, refers all
4 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 228 of
5 the Complaint are directed to other defendants, Sprague’s denies knowledge or information
6 sufficient to form a belief about the truth of such allegations, so same are denied.
7

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9 229. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
10 Consumer Fraud Act (“CFA”) claim (Count Seven of the Complaint) was dismissed. As such, no
11 response to the allegations related to or in support of Plaintiff’s CFA claims are required.
12 Notwithstanding, Sprague’s denies the allegations in Paragraph 229 of the Complaint, refers all
13 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 229 of
14 the Complaint are directed to other defendants, Sprague’s denies knowledge or information
15 sufficient to form a belief about the truth of such allegations, so same are denied.
16

17 230. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
18 Consumer Fraud Act (“CFA”) claim (Count Seven of the Complaint) was dismissed. As such, no
19 response to the allegations related to or in support of Plaintiff’s CFA claims are required.
20 Notwithstanding, Sprague’s denies the allegations in Paragraph 230 of the Complaint, refers all
21 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 230 of
22 the Complaint are directed to other defendants, Sprague’s denies knowledge or information
23 sufficient to form a belief about the truth of such allegations, so same are denied.
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26 231. Pursuant to this Court’s March 25, 2024 Order (ECF Doc. 50), Plaintiff’s Arizona
27 Consumer Fraud Act (“CFA”) claim (Count Seven of the Complaint) was dismissed. As such, no
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1 response to the allegations related to or in support of Plaintiff's CFA claims are required.
2 Notwithstanding, Sprague's denies the allegations in Paragraph 231 of the Complaint, refers all
3 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 231 of
4 the Complaint are directed to other defendants, Sprague's denies knowledge or information
5 sufficient to form a belief about the truth of such allegations, so same are denied.
6

7 232. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
8 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
9 response to the allegations related to or in support of Plaintiff's CFA claims are required.
10 Notwithstanding, Sprague's denies the allegations in Paragraph 232 of the Complaint, refers all
11 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 232 of
12 the Complaint are directed to other defendants, Sprague's denies knowledge or information
13 sufficient to form a belief about the truth of such allegations, so same are denied.
14
15

16 233. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
17 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
18 response to the allegations related to or in support of Plaintiff's CFA claims are required.
19 Notwithstanding, Sprague's denies the allegations in Paragraph 233 of the Complaint, refers all
20 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 233 of
21 the Complaint are directed to other defendants, Sprague's denies knowledge or information
22 sufficient to form a belief about the truth of such allegations, so same are denied.
23
24

25 234. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
26 Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed. As such, no
27 response to the allegations related to or in support of Plaintiff's CFA claims are required.
28

1 Notwithstanding, Sprague's denies the allegations in Paragraph 234 of the Complaint, refers all
2 questions of law to this Honorable Court, and to the extent that the allegations in Paragraph 234 of
3 the Complaint are directed to other defendants, Sprague's denies knowledge or information
4 sufficient to form a belief about the truth of such allegations, so same are denied.
5

6 **X. DEFENDANTS' ALLEGED HARM TO GOVERNMENT**

7 235. Sprague's denies the allegations in Paragraph 235 of the Complaint. To the extent
8 that the allegations in Paragraph 235 of the Complaint are directed to other defendants, Sprague's
9 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
10 same are denied.
11

12 236. Sprague's denies the allegations in Paragraph 236 of the Complaint and refers all
13 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 236 of the
14 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
15 to form a belief about the truth of such allegations, so same are denied.
16

17 237. Sprague's denies the allegations in Paragraph 237 of the Complaint and refers all
18 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 237 of the
19 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
20 to form a belief about the truth of such allegations, so same are denied.
21

22 238. Sprague's denies the allegations in Paragraph 238 of the Complaint and refers all
23 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 238 of the
24 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
25 to form a belief about the truth of such allegations, so same are denied.
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27 239. Sprague's denies knowledge or information sufficient to form a belief about the truth
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1 of the allegations in Paragraph 239 of the Complaint.

2 240. Sprague's denies the allegations in Paragraph 240 of the Complaint and refers all
3 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 240 of the
4 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
5 to form a belief about the truth of such allegations.
6

7 241. Sprague's denies the allegations in Paragraph 241 of the Complaint and refers all
8 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 241 of the
9 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
10 to form a belief about the truth of such allegations, so same are denied.
11

12 242. Sprague's denies knowledge or information sufficient to form a belief about the truth
13 of the allegations in Paragraph 242 of the Complaint regarding any link between "gun trafficking
14 from the United States" to "horrendous consequences in Mexico" and as well as the increase in
15 illegal gun ownership and homicide rate in Mexico. Sprague's denies the remaining allegations in
16 Paragraph 242 of the Complaint.
17

18 243. Sprague's denies the allegations in Paragraph 243 of the Complaint.
19

20 244. Sprague's denies the allegations in Paragraph 244 of the Complaint.
21

22 245. Sprague's denies the allegations in Paragraph 245 of the Complaint.
23

24 246. Sprague's denies the allegations in Paragraph 246 of the Complaint.
25

26 247. Sprague's denies the allegations in Paragraph 247 of the Complaint. To the extent
27 that the allegations in Paragraph 247 of the Complaint are directed to other defendants, Sprague's
28 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
same are denied.

1 248. Sprague's denies the allegations in Paragraph 248 of the Complaint and refers all
2 questions of law as to what damages are legally recoverable by Plaintiff to this Honorable Court.

3 249. Sprague's denies knowledge or information sufficient to form a belief about the truth
4 of the allegations in Paragraph 249 regarding life expectancy trends in Mexico, but denies the
5 allegation that deaths caused by firearms sold by Sprague's was causally related to any such
6 downward trends. To the extent that the allegations in Paragraph 249 of the Complaint are directed
7 to other defendants, Sprague's denies knowledge or information sufficient to form a belief about
8 the truth of such allegations, so same are denied.
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10 250. Sprague's denies the allegations in Paragraph 250 of the Complaint.

11 251. Sprague's denies knowledge or information sufficient to form a belief about the truth
12 of the allegations in Paragraph 251 of the Complaint.
13

14 252. Sprague's denies the allegations in Paragraph 252 of the Complaint. To the extent
15 that the allegations in Paragraph 252 of the Complaint are directed to other defendants, Sprague's
16 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
17 same are denied.
18

19 253. Sprague's denies knowledge or information sufficient to form a belief about the truth
20 of the allegations in Paragraph 253 of the Complaint, and will hold Plaintiff to its proof in
21 admissible form.
22

23 254. Sprague's denies knowledge or information sufficient to form a belief about the truth
24 of the allegations in Paragraph 254 of the Complaint, and will hold Plaintiff to its proof in
25 admissible form.
26

27 255. Sprague's denies knowledge or information sufficient to form a belief about the truth
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1 of the allegations in Paragraph 255 of the Complaint, and will hold Plaintiff to its proof in
2 admissible form.

3
4 256. Sprague's denies knowledge or information sufficient to form a belief about the truth
5 of the allegations in Paragraph 256 of the Complaint, and will hold Plaintiff to its proof in
6 admissible form.

7
8 257. Sprague's denies knowledge or information sufficient to form a belief about the truth
9 of the allegations in Paragraph 257 of the Complaint, and will hold Plaintiff to its proof in
10 admissible form.

11 258. Sprague's denies the allegations in Paragraph 258 of the Complaint. To the extent
12 that the allegations in Paragraph 258 of the Complaint are directed to other defendants, Sprague's
13 denies knowledge or information sufficient to form a belief about the truth of such allegations, so
14 same are denied.

15
16 259. Sprague's denies the allegations in Paragraph 259 of the Complaint and refers all
17 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 259 of the
18 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
19 to form a belief about the truth of such allegations, so same are denied.

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21 260. Sprague's denies the allegations in Paragraph 260 of the Complaint and refers all
22 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 260 of the
23 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
24 to form a belief about the truth of such allegations, so same are denied.
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XI. CLAIMS FOR RELIEF**COUNT ONE**
(NEGLIGENCE)

261. Sprague's hereby repeats and incorporates by reference its response to each preceding and succeeding Paragraph as though fully set forth herein.

262. Sprague's denies the allegations in Paragraph 262 of the Complaint and refers all questions of law to this Honorable Court.

263. Sprague's denies the allegations in Paragraph 263 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 263 of the Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

264. Sprague's denies the allegations in Paragraph 264 of the Complaint and refers all questions of law to this Honorable Court.

265. Sprague's denies the allegations in Paragraph 265 of the Complaint and refers all questions of law to this Honorable Court.

COUNT TWO
(PUBLIC NUISANCE)

266. Sprague's hereby repeats and incorporates by reference its response to each preceding and succeeding Paragraph as though fully set forth herein.

267. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public nuisance claim was dismissed. As such, no response to this claim is required.

268. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public nuisance claim was dismissed. As such, no response to this claim is required.

273. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's public nuisance claim was dismissed. As such, no response to this claim is required.

277. Sprague's denies the allegations in Paragraph 277 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 277 of the Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient

1 to form a belief about the truth of such allegations, so same are denied.

2 278. Sprague's denies the allegations in Paragraph 278 of the Complaint and refers all
3 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 278 of the
4 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
5 to form a belief about the truth of such allegations, so same are denied.
6

7 279. Sprague's denies the allegations in Paragraph 279 of the Complaint and refers all
8 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 279 of the
9 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
10 to form a belief about the truth of such allegations, so same are denied.
11

12 280. Sprague's denies the allegations in Paragraph 280 of the Complaint and refers all
13 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 280 of the
14 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
15 to form a belief about the truth of such allegations, so same are denied.
16

17 281. Sprague's denies the allegations in Paragraph 281 of the Complaint.

18 282. Sprague's denies the allegations in Paragraph 282 of the Complaint and refers all
19 questions of law to this Honorable Court.
20

21 283. Sprague's denies the allegations in Paragraph 283 of the Complaint and refers all
22 questions of law to this Honorable Court.
23

24 **COUNT FOUR**
(NEGLIGENCE PER SE)

25 284. Sprague's hereby repeats and incorporates by reference its response to each
26 preceding and succeeding Paragraph as though fully set forth herein.
27

28 285. Sprague's denies the allegations in Paragraph 285 of the Complaint and refers all

1 questions of law to this Honorable Court.

2 286. Sprague's denies the allegations in Paragraph 286 of the Complaint and refers all
3 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 286 of the
4 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
5 to form a belief about the truth of such allegations, so same are denied.
6

7 287. Sprague's denies the allegations in Paragraph 287 of the Complaint and refers all
8 questions of law to this Honorable Court.
9

10 **COUNT FIVE**
11 **(GROSS NEGLIGENCE)**

12 288. Sprague's hereby repeats and incorporates by reference its response to each
13 preceding and succeeding Paragraph as though fully set forth herein.

14 289. Sprague's denies the allegations in Paragraph 289 of the Complaint and refers all
15 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 289 of the
16 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
17 to form a belief about the truth of such allegations, so same are denied.
18

19 290. Sprague's denies the allegations in Paragraph 290 of the Complaint and refers all
20 questions of law to this Honorable Court.

21 291. Sprague's denies the allegations in Paragraph 291 of the Complaint and refers all
22 questions of law to this Honorable Court.
23

24 292. Sprague's denies the allegations in Paragraph 292 of the Complaint and refers all
25 questions of law to this Honorable Court.
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27 293. Sprague's denies the allegations in Paragraph 293 of the Complaint and refers all
28 questions of law to this Honorable Court.

COUNT SIX
(UNJUST ENRICHMENT AND RESTITUTION)

294. Sprague's hereby repeats and incorporates by reference its response to each preceding and succeeding Paragraph as though fully set forth herein.

295. Sprague's denies the allegations in Paragraph 295 of the Complaint. To the extent that the allegations in Paragraph 295 of the Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

296. Sprague's denies the allegations in Paragraph 296 of the Complaint and refers all questions of law to this Honorable Court.

297. Sprague's denies the allegations in Paragraph 297 of the Complaint and refers all questions of law to this Honorable Court.

298. Sprague's denies the allegations in Paragraph 298 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 298 of the Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

299. Sprague's denies the allegations in Paragraph 299 of the Complaint and refers all questions of law to this Honorable Court.

300. Sprague's denies the allegations in Paragraph 300 of the Complaint and refers all questions of law to this Honorable Court. To the extent that the allegations in Paragraph 300 of the Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient to form a belief about the truth of such allegations, so same are denied.

301. Sprague's denies the allegations in Paragraph 301 of the Complaint and refers all

1 questions of law to this Honorable Court.

2 302. Sprague's denies the allegations in Paragraph 302 of the Complaint and refers all
3 questions of law to this Honorable Court.
4

5 **COUNT SEVEN**
6 **(ARIZONA'S CONSUMER FRAUD ACT)**

7 303. Sprague's hereby repeats and incorporates by reference its response to each
8 precedent and succeeding Paragraph as though fully set forth herein.

9 304. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
10 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

11 305. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
12 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

13 306. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
14 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.
15

16 307. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
17 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.
18

19 308. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
20 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.
21

22 309. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona
23 Consumer Fraud Act claim was dismissed. As such, no response to this claim is required.

24 **COUNT EIGHT**
25 **(PUNITIVE DAMAGES)**

26 310. Sprague's hereby repeats and incorporates by reference its response to each
27 preceding and succeeding Paragraph as though fully set forth herein.
28

1 311. Sprague's denies the allegations in Paragraph 311 of the Complaint and refers all
2 questions of law to this Honorable Court. To the extent that the allegations in Paragraph 311 of the
3 Complaint are directed to other defendants, Sprague's denies knowledge or information sufficient
4 to form a belief about the truth of such allegations, so same are denied.
5

6 312. Sprague's denies the allegations in Paragraph 312 of the Complaint and refers all
7 questions of law to this Honorable Court.
8

9 313. Sprague's denies the allegations in Paragraph 313 of the Complaint and refers all
10 questions of law to this Honorable Court.

11 **COUNT NINE**
12 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**
13 **18 U.S.C. § 1962(c)**

14 **Defendant SnG Tactical**

15 314. Sprague's hereby repeats and incorporates by reference its response to each
16 preceding and succeeding Paragraph as though fully set forth herein.

17 315. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
18 claims were dismissed. As such, no response to this claim is required.
19

20 316. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
21 claims were dismissed. As such, no response to this claim is required.

22 317. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
23 claims were dismissed. As such, no response to this claim is required.
24

25 318. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
26 claims were dismissed. As such, no response to this claim is required.

27 319. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
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1 claims were dismissed. As such, no response to this claim is required.

2 **COUNT TEN**
3 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**
4 **18 U.S.C. § 1962(c)**

5 **Defendant Diamondback**

6 320. Sprague's hereby repeats and incorporates by reference its response to each
7 preceding and succeeding Paragraph as though fully set forth herein.

8 321. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
9 claims were dismissed. As such, no response to this claim is required.

10 322. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
11 claims were dismissed. As such, no response to this claim is required.

12 323. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
13 claims were dismissed. As such, no response to this claim is required.

14 324. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
15 claims were dismissed. As such, no response to this claim is required.

16 325. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
17 claims were dismissed. As such, no response to this claim is required.

18 **COUNT ELEVEN**
19 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**
20 **18 U.S.C. § 1962(c)**

21 **Defendant Sprague's Sports**

22 326. Sprague's hereby repeats and incorporates by reference its response to each
23 preceding and succeeding Paragraph as though fully set forth herein.

24 327. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
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1 claims were dismissed. As such, no response to this claim is required.

2 328. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
3 claims were dismissed. As such, no response to this claim is required.

4 329. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
5 claims were dismissed. As such, no response to this claim is required.

6 330. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
7 claims were dismissed. As such, no response to this claim is required.

8 331. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
9 claims were dismissed. As such, no response to this claim is required.

10
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12 **COUNT TWELVE**
13 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**
14 **18 U.S.C. § 1962(c)**

15 **Defendant Ammo AZ**

16 332. Sprague's hereby repeats and incorporates by reference its response to each
17 preceding and succeeding Paragraph as though fully set forth herein.

18 333. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
19 claims were dismissed. As such, no response to this claim is required.

20 334. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
21 claims were dismissed. As such, no response to this claim is required.

22 335. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
23 claims were dismissed. As such, no response to this claim is required.

24 336. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
25 claims were dismissed. As such, no response to this claim is required.

1 337. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
2 claims were dismissed. As such, no response to this claim is required.

3
4 **COUNT THIRTEEN**
5 **(RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT)**
6 **18 U.S.C. § 1962(c)**

7 **Defendant The Hub**

8 338. Sprague's hereby repeats and incorporates by reference its response to each
9 preceding and succeeding Paragraph as though fully set forth herein.

10 339. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
11 claims were dismissed. As such, no response to this claim is required.

12 340. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
13 claims were dismissed. As such, no response to this claim is required.

14 341. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
15 claims were dismissed. As such, no response to this claim is required.

16 342. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
17 claims were dismissed. As such, no response to this claim is required.

18 343. Pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's RICO
19 claims were dismissed. As such, no response to this claim is required.

20 **XII. DEMAND FOR JUDGMENT**

21 Defendant denies each and every allegation contained in the Demand for Judgment of
22 Plaintiff's Complaint, including the allegations contained in the paragraphs designated "a" through
23 "k" of same.
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GENERAL DENIAL

Any allegation in the Complaint that is not specifically admitted is denied.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint, and each and every cause of action contained therein, is barred by the substantive immunity provided by the Protection of Lawful Commerce in Arms Act, 15 U.S.C. §§ 7901-03.

2. Plaintiff lacks Article III Standing to bring this suit.

3. Plaintiff's claims fail due to a lack of proximate causation.

4. Plaintiff's Complaint, and each and every cause of action contained therein, fails to state facts sufficient to state a claim.

5. Each of Plaintiff's causes of action in the Complaint are barred, in whole or in part, by the applicable statutes of limitations, thereby barring recovery of any damages, or a reduction thereto. Specifically, Defendant contends that Plaintiff's Complaint is barred, in whole or in part, by the one-year statute of limitations applicable to consumer fraud claims, A.R.S. § 12-541 (however, pursuant to this Court's March 25, 2024 Order (ECF Doc. 50), Plaintiff's Arizona Consumer Fraud Act ("CFA") claim (Count Seven of the Complaint) was dismissed); two-year statute of limitations for tort claims and negligence claims, A.R.S. § 12-542; the three-year statute of limitations, which applies to claims for restitution, A.R.S. § 12-543; the four-year statute of limitations, which is applicable to claims for unjust enrichment, A.R.S. § 12-550.

6. Plaintiff failed to add parties indispensable to this case, including, but not limited to, the United States Government (including but not limited to the DOJ, ATF, ICE, DEA, FBI and DHS), the alleged straw purchasers identified or unidentified in the Complaint, the alleged firearm traffickers identified and unidentified in the Complaint, the people who allegedly committed crimes with firearms sold by defendants, Mexican government, military, and law enforcement officials who supply illegal firearms to cartels, the foreign sources of firearms for cartels in Mexico, including those located in Central and South America, and the cartel members, associates, or agents thereof.

1 7. Any damages suffered by Plaintiff were proximately caused, in whole or in part,
2 by the failure of Plaintiff to exercise reasonable care in curtailing and/or remedying the ongoing
3 violence inflicted by the cartels on its own people, and therefore, Plaintiff's recovery, if any,
4 must be diminished by the proportion of the negligence, acquiescence, and/or inaction of
5 Plaintiff, which proximately caused or contributed to Plaintiff's alleged damages.

6 8. Any damages suffered by Plaintiff were proximately caused, in whole or in part,
7 by the negligence or other actionable conduct of persons or entities other than Sprague's.
8 Therefore, should Sprague's be found liable to Plaintiff as a result of the incidents alleged in the
9 Complaint, the amount of Plaintiff's recovery, if any, should be no greater than an amount
10 which is equal to Sprague's proportionate share, if any, of the combined negligence or other
11 actionable conduct of those persons or entities whose negligence or actionable conduct
12 proximately caused Plaintiff's alleged damages.

13 9. Plaintiff has failed to mitigate its damages, if any, suffered as a result of the
14 incidents set forth in the Complaint.

15 10. Plaintiff's claims for damages are barred by the economic loss rule.

16 11. Any damages suffered by Plaintiff were a direct and proximate result of
17 superseding and intervening cause(s) based on the numerous criminal actions committed
18 subsequent to any sale of firearms by Sprague's and before the alleged harm to Plaintiff.

19 12. Plaintiff is estopped from claiming the damages alleged against Sprague's in the
20 Complaint because of Plaintiff's negligence, improper conduct, acquiescence and/or inaction in
21 creating, failing to curtail or remedy the ongoing violence inflicted by the cartels on its own
22 people, including the doctrine of unclean hands, including estoppel by representation, estoppel
23 by acquiescence, equitable estoppel and estoppel by convention. Plaintiff has presented or stated
24 facts that were not true and upon which Defendant detrimentally relied, including that it would
25 police its borders, stop corruption and the illegal flow of firearms within its country, and would
26 make efforts to prevent and deter cartel violence, drug violence and related firearms crimes. In
27 addition, Plaintiff's own negligence, improper conduct, acquiescence, and/or inaction in failing
28 to curtail or remedy cartel and drug violence while intentionally and/or negligently ignoring and

1 turning a blind eye to such issues precludes Plaintiff from bringing this lawsuit. Plaintiff's
2 alleged injuries/damages were caused by its own illegal activities or the illegal activities of
3 persons under its control. Such illegal activities would include, but are not limited to, illegal
4 conduct with the cartels, police and law enforcement corruption, allowing persons to illegally
5 possess firearms, obtaining firearms from illegal sources, intentionally and/or negligently
6 ignoring and turning a blind eye to drug, cartel and illegal firearms trafficking activities in
7 Mexico, and/or other illegal schemes or conduct that resulted in harm to Mexico's citizens
8 and/or violence by the cartels. Further, Plaintiff has failed to control the illegal importation of
9 firearms into Mexico on multiple borders, eliminate, curtail or remedy cartel violence, and
10 Plaintiff's own nonfeasance and malfeasance with respect to allowing the cartels to operate
11 and/or intentionally and/or negligently ignoring and turning a blind eye to drug, cartel and
12 illegal firearms trafficking activities and issues in Mexico has contributed to the alleged injuries
13 sustained by Plaintiff.

14 13. Plaintiff's claims for punitive and/or exemplary damages are precluded by
15 operation of Ariz. Rev. Stat. § 12-689.

16 14. Plaintiff is not entitled to a damage award violative of Sprague's due process and
17 equal protection rights and other rights set forth in the United States Constitution or rights under
18 the Arizona Constitution. Sprague's expressly reserves any and all constitutional defenses,
19 claims, and arguments against the imposition of punitive damages against it or the amount of
20 same or in any other manner relating to punitive damages. Plaintiff's claim for punitive damages
21 against Sprague's: violates the Sixth Amendment of the United States Constitution because
22 Sprague's is not informed of the nature and cause of the accusations against it, and thus, the
23 allegations are void for vagueness; violates Sprague's rights to substantive and procedural due
24 process as provided in the Fifth and Fourteenth Amendments of the United States Constitution;
25 violates the due process clause of Fourteenth Amendment to the United States Constitution;
26 violates Sprague's right to equal protection as provided in the Fourteenth Amendment to the
27 United States Constitution; violates Sprague's right to contract, as provided in Article I, Section
28 10 of the United States Constitution; exposes Sprague's to double jeopardy in violation of the

1 Fifth Amendment of the United States Constitution; constitutes an impermissible burden on
2 international and interstate commerce in violation of Article I, Section 8 of the United States
3 Constitution; violates the separation of powers doctrine embodied in Article VI of the United
4 States Constitution; and constitutes the imposition of an excessive fine in violation of Sprague's
5 rights provided in the Eighth Amendment of the United States Constitution. Plaintiff's claim for
6 punitive or exemplary damages is further barred by Article 2, Section 4, of the Arizona
7 Constitution.

8 15. Sprague's invokes the provisions of Title 12, Chapter 16 of the Arizona Revised
9 Statutes, the Uniform Contribution Among Tortfeasors Act, including the right to contribution,
10 pro rata shares, release, comparative negligence, the lack of joint and several liability, and
11 apportionment of fault.

12 16. Plaintiff's claims against Sprague's are barred or should be reduced by the
13 comparative fault of others, including, but not limited to, Plaintiff, pursuant to Ariz. Rev. Stat. §
14 12-2506.

15 17. Sprague's did not owe Plaintiff a legal duty to protect Plaintiff or its citizens from
16 the particular risk of harm that caused, or was the substantial factor in causing, the incidents
17 alleged in the Complaint.

18 18. Plaintiff lacks prudential standing based on its quasi-sovereign interest in the
19 health and well-being of its residents because *parens patriae* standing should not be recognized
20 in a foreign nation unless there is a clear indication of intent to grant such standing expressed by
21 the Supreme Court or by the two coordinate branches of government.

22 19. All or a portion of Plaintiff's claims are barred due to the law of the case doctrine.

23 20. The Court lacks subject matter jurisdiction over this case.

24 21. There was no special relationship between Sprague's and Plaintiff and/or the third-
25 party actors at fault, so Sprague's did not owe Plaintiff a duty as a matter of law.

26 22. Plaintiff's claims are in violation of the First Amendment of the United States
27 Constitution, which guarantees Sprague's right to commercial free speech.

28 23. Plaintiff's claims are in violation of the Second Amendment of the United States

1 Constitution, which guarantees the right to bear arms, and the citizenry's right to access such
2 arms from Defendant.

3 24. Plaintiff's claims are barred by the provisions of the Commerce Clause of the
4 Constitution of the United States, Article I, Section 8.

5 25. Plaintiff's negligent entrustment claim fails because this cause of action is
6 inapplicable in the context of the sales of chattel alleged in the Complaint.

7 26. Plaintiff's claims for relief before the Court violate the United States and Arizona
8 State constitutional separation of powers in that Plaintiff seeks to have the judicial branch create
9 legislative policy.

10 27. Plaintiff's claims are too remote and derivative to permit recovery as a matter of
11 law.

12 28. Plaintiff's Complaint, which aggregates unidentified shootings by unidentified
13 persons in unidentified circumstances over an unspecified period of time, is barred by the
14 Seventh Amendment of the Constitution of the United States.

15 29. Plaintiff's claims are barred by the doctrine of latches.

16 **DEMAND FOR JURY TRIAL**

17 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Sprague's demands a trial by
18 jury of all issues triable of right by a jury in this action.

19 WHEREFORE, Sprague's hereby requests the following relief:

- 20 1. That Plaintiff takes nothing by his Complaint;
- 21 2. That Plaintiff's Complaint be dismissed with prejudice on the merits;
- 22 3. That Sprague's recovers its costs, attorney's fees, and disbursements herein; and
- 23 4. Such other relief as the Court herein deems just and equitable.
- 24
- 25

26 Dated: December 2, 2024

27

28

1 RENZULLI LAW FIRM LLP

2
3 By: /s/ Jeffrey Malsch
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13 *Attorneys for Defendants*
14 *Diamondback Shooting Sports, Inc.,*
15 *Loan Prairie, LLC d/b/a The Hub,*
16 *SNG Tactical, LLC and*
17 *Sprague's Sports, Inc.*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of December, 2024, this document was filed with the Clerk of the Court via CM/ECF. Those attorneys who are registered with the Court's electronic filing system may access this filing through the Court's CM/ECF system, and notice of this filing will be sent to these parties by operation of the Court's electronic filings system.

By: /s/ Jeffrey Malsch

Jeffrey Malsch

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